IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

WP(C).No. 13770 of 2007(L)

PETITIONER:

K.SANTHAKUMARI, SENIOR SUPERVISOR,
TANUR SUB OFFICE, TIRUR CO-OPERATIVE
AGRICULTURAL AND RURAL DEVELOPMENT BANK,
MALAPPURAM.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:

---

1. THE JOINT REGISTRAR CO-OPERATIVE
SOCIETIES (GENERAL), MALAPPURAM.

2. TIRUR CO-OPERATIVE AGRICULTURAL AND
RURAL DEVELOPMENT BANK, MALAPPURAM,
REPRESENTED BY ITS SECRETARY.

3. THE PRESIDENT,
TIRUR CO-OPERATIVE AGRICULTURAL AND RURAL
DEVELOPMENT BANK, MALAPPURAM.

R2 & R3 BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR
R1 BY GOVERNMENT PLEADER SRI. P.K. RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 13770/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE PROCEEDINGS BEARING NO.EST/PY/93-94 DATED 16.2.1994 ISSUED BY THE THIRD RESPONDENT.

EXT. P2 : TRUE COPY OF THE PROCEEDINGS DATED 12.11.1996.

EXT. P3 : TRUE COPY OF THE PROCEEDINGS ISSUED BY THE 3RD RESPONDENT.

EXT. P4 : TRUE COPY OF THE ORDER BEARING NO.5413/2000/CRB DATED 30.7.2006.

EXT. P5 : TRUE COPY OF THE REPRESENTATION DATED 25.10.2006.

EXT. P6 : TRUE COPY OF THE NOTICE DATED 7.2.2007.

EXT. P7 : TRUE COPY OF THE REPRESENTATION DATED 16.2.2007.

EXT. P8 : TRUE COPY OF THE ORDER DATED 9.4.2007.

K.M.JOSEPH, J.

- -

WP.(C) No.13770 of 2007

- -

Dated this the 14th day of September, 2007

JUDGMENT

Petitioner challenges Exts.P4, P6 and P8. The case of the petitioner in brief is that there was an anomaly in pay as one of the juniors of the petitioner on promotion fixed at a higher rate. Petitioner sought and was given the benefit of step up ever since the date of Ext.P1, namely, 16.2.1994. While so, it is submitted that two other employees submitted application claiming re-fixation. Petitioner was not a party to the same and it was in the said proceeding that by Ext.P4 the first respondent ordered that the fixation of pay and step up granted to the petitioner was illegal. Petitioner challenges the same as also Ext.P6 notice issued by the Bank resolving to cancel the pay fixation and Ext.P8 order cancelling the step up and recovery of the excess amount drawn.

I heard learned counsel for the Bank also besides the learned Government Pleader. Government Pleader does not dispute the fact that the petitioner was not heard before Ext.P4 was passed. Ext.P4

visits the petitioner with adverse civil consequences. Therefore clearly it was a case where the petitioner ought to have put on notice and heard before such an order is passed. On the said short ground Ext.P4 is liable to be quashed. Exts.P6 and P8 are consequential orders, accordingly they are also liable to be quashed.

Accordingly Exts. P4, P6 and P8 are quashed. It is open to the first respondent to consider the matter afresh with opportunity of hearing to the petitioner and also to the Bank. I leave open the other contentions of the petitioner and the contentions of the Bank.

(K.M. JOSEPH, JUDGE)

sb